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Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 L-03 H-01 JUSE-00 CIAE-00 INR-10
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FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 2099

C O N F I D E N T I A L SEOUL 5831

E.O. 11652: GDS
TAGS: PGOV, KS, US
SUBJECT: BANK RECORDS AGAIN

REF: STATE 164940

1. AMERICAN AFFAIRS BUREAU DIRECTOR YU CHONG-HA CALLED POLCOUNS MORNING JULY 6 TO DISCUSS CURRENT ACTIVITY TO SUBPOENA BANK RECORDS. YU BEGAN BY STATING THAT THE ROK WOULD BE UNABLE TO COMPLY WITH THE FRASER COMMITTEE REQUEST FOR BANK RECORDS OF FORMER EMPLOYEES. YU STATED THAT WHILE THE ROK HAD COOPERATED WITH JUSTICE AND THE ETHICS COMMITTEE, IT DID NOT FEEL THAT THE OBJECT OF THE FRASER COMMITTEE INVESTIGATION REQUIRED ADDITIONAL ACCESS TO BANK RECORDS ON THE PART OF THE CONGRESS. POLCOUNS NOTED THAT COUNSELOR SHIN HAD ALREADY DISCUSSED THIS MATTER WITH THE DEPARTMENT AND AGAIN PRESENTED U.S. POSITION ON BANK RECORDS AND THEIR AVAILABILITY UNDER SUBPOENA.

2. YU THEN SWITCHED TO A RECENT JUSTICE REQUEST FOR ACCESS TO BANK RECORDS OF THE WIFE AND DAUGHTER OF KIM DONG-JO. HE NOTED THE BASIC POSITION OF THE ROK WAS TO COOPERATE AS MUCH AS POSSIBLE WITH JUSTICE. HOWEVER, CERTAIN ACCOUNTS REQUIRE THE APPROVAL OF THE ACCOUNT HOLDER FOR THEIR RELEASE. THE ACCOUNTS NOW BEING REQUESTED FALL IN THAT CATEGORY AND EVEN THOUGH THE ROKG IS WILLING TO COOPERATE IT HAS BEEN UNABLE TO CONVINCE FORMER AMBASSADOR KIM TO
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TAKE A SIMILAR POSITION. YU POINTED OUT THAT SINCE KIM'S RESIGNATION IT WAS DIFFICULT TO APPROACH HIM, AND ON THIS MATTER, IN LIGHT OF RECENT EVENTS AND HIS OWN PERSONAL FEELINGS, KIM WAS RELUCTANT TO COOPERATE.

3. YU STATED THAT THE ROKG WOULD THROUGH ITS EMBASSY IN WASHINGTON REQUEST THAT THE DEPARTMENT OF JUSTICE

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NOT PURSUE THIS SUBPOENA. HE NOTED THAT THE PERIOD IN QUESTION WAS 1973 THROUGH 1975 AND SINCE AMBASSADOR KIM LEFT AT THE END OF 1973 THERE WOULD PROBABLY BE ONLY A SMALL PERIOD OF OVERLAP IN ANY EVENT. HE SAID THAT KIM'S WIFE AND DAUGHTER ARE NOT INVOLVED IN THIS MATTER AND SINCE THESE ACCOUNTS ARE NOT VITAL TO ANY INVESTIGATION THEY WOULD REQUEST JUSTICE TO EXEMPT THEM FROM THE CURRENT INQUIRY.

4. YU CONTINUED THAT IF JUSTICE DOES NOT AGREE TO THE ROK REQUEST, THEN THE ROKG WILL HAVE GONE AS FAR AS POSSIBLE IN THIS MATTER. IF JUSTICE CONTINUES TO PRESS FOR RELEASE OF THESE BANK RECORDS, IN VIEW OF THE ROK POSITION THAT THE RECORDS ARE COVERED BY THE VIENNA CONVENTION, IT WILL BE NECESSARY FOR THE ROKG TO FILE A PROTEST WITH THE DEPARTMENT OF STATE. YU SAID THAT SUCH PROTEST OF U.S. ACTIONS WOULD RESTATE ROKG POSITION BUT WOULD NECESSARILY HAVE TO NOTE THAT UNDER RECIPROCITY BANK RECORDS OF U.S. DIPLOMATS IN THE ROK WILL ALSO BE OPEN TO INVESTIGATION.

5. POLCOUNS POINTED OUT THAT THE LATTER STATEMENT DID NOT APPEAR TO HIM NECESSARY AND QUESTIONED THE WISDOM OF SUCH AN APPROACH. YU STATED THAT HE REGRETTED THE POSSIBILITY OF SUCH A RESULT IN LIGHT OF THE LONG RECORD OF COOPERATION ON THESE MATTERS BUT ADDED THAT THE ROKG
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WOULD OF COURSE HAVE TO MAKE THE POINT FOR THE RECORD. POLCOUNS INFORMED YU THAT HE WOULD REPORT THE ROKG POSITION TO WASHINGTON.
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